

ATTACHMENT G



OFFICE OF THE SECRETARY OF STATE

January 8, 2008

ROSS MILLER
Secretary of State

RE: Board of State Prison Commissioners

Dear Governor Gibbons and Attorney General Catherine Cortez Masto,

I am deeply troubled by the process this administration followed in excluding the Board of Prison Commissioners from participating in a discussion about the recommended prison system cuts.

First, despite the fact that I requested Director Skolnik's recommended budget cuts several weeks ago, the cuts were delivered to me by the Governor's office only one full business day before today's meeting. Second, since Director Skolnik's recommended cuts were submitted to the Governor's office without Board approval, I have been advised by legal counsel that the recommendations are now subject to deliberative privilege and can no longer be reviewed in an open and public manner.

On December 14, 2007, Governor Gibbons issued a prepared release calling for a 4.5% reduction in expenditures, including the Department of Corrections.

Shortly thereafter on December 20, 2007, I sent a letter to the Department's Director indicating that I would be placing an item on the agenda calling for discussion and approval of recommended budget reductions and asked that his proposed cuts be provided to each of the Board members by January 2. I sent a copy of the letter to each of the Board members.

On January 3, I was informed by Director Skolnik that he was directed by the Governor's office to withhold the "hard cuts" from the remaining members of the Board of Prisons. The next day at the close of business, the Governor's office reversed course and provided the recommended cuts, but emphasized the fact that the recommendations were subject to deliberative privilege and therefore needed to remain confidential.

Clearly, authority to review and approve recommended budget cuts are within the authority of the Board of Prison Commissioners. NRS 209.101 states that the Board of Prison Commissioners is the head of the Department of Corrections. In 1996, the Office of the Attorney General issued an opinion affirming the authority of the board. As a Board consisting of three elected constitutional officers, including two former criminal prosecutors, there is not only statutory authority to assume leadership in approving

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recommended cuts but also a compelling basis to vest the board with such authority. To be certain, administering substantial cuts to a system that Director Skolnik has repeatedly described as overcrowded to the point of crisis presents a significant public safety concern.

For that reason, I hope that this Board can consider the options in a public forum, where the impact of any potential decision can be fully vetted amongst all interested parties in our state.

For that reason, I move that:

- a) The Board reject the recommended cuts submitted by Director Skolnik so that the recommended cuts can be considered in a public and transparent forum, including input from concerned parties
- b) The Board direct Director Skolnick to prepare several options for recommended cuts to the Department of Corrections Budget in accordance with the Governor's request
- c) Within the next two weeks, the Board of Prison Commissioners reconvene to discuss and approve the proposed budget cuts

Sincerely,



ROSS MILLER
Secretary of State

cc: Director Howard Skolnik